

address of the person to whom the bottles are shipped, date of shipment, and the size and number of bottles shipped, shall be included in the records required under § 19.747.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

**§ 19.637 Bottles not constituting approved containers.**

The appropriate TTB officer shall disapprove for use as a liquor bottle any bottle, including a bottle of less than 200 ml capacity, which he determines to be deceptive. Any such bottle is not an approved container for the purposes of § 19.581 of this part, and shall not be used for packaging distilled spirits for domestic purposes.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

**§ 19.638 Disposition of stocks of liquor bottles.**

When a proprietor discontinues operations, or permanently discontinues the use of a particular size or type of liquor bottle, the stocks of such bottles on hand shall either be disposed of to another person authorized to receive liquor bottles, or destroyed, including disposition for purposes which will render them unusable as bottles. However, on approval of a written application by the appropriate TTB officer of the region in which the proprietor's plant is located, liquor bottles may be otherwise disposed of.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

**§ 19.639 Use and resale of liquor bottles.**

No proprietor shall use any liquor bottle except for packaging distilled spirits, or dispose of any empty liquor bottle except to another person authorized to receive liquor bottles or as provided in § 19.638. Bottles may be furnished to others for display and testing purposes as provided in §§ 19.635 and 19.636, respectively.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

**BOTTLE LABEL REQUIREMENTS**

**§ 19.641 Certificate of label approval or exemption.**

(a) *Requirement.* Proprietors are required by 27 CFR part 5 to obtain approval of labels, or exemption from label approval, for any label to be used on bottles of spirits for domestic use and shall exhibit evidence of label approval, or of exemption from label approval, on request of an appropriate TTB officer.

(b) *Cross reference.* For procedures regarding the issuance, denial and revocation of certificates of label approval and certificates of exemption from label approval, as well as appeal procedures, see Part 13 of this chapter.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1356, as amended (26 U.S.C. 5201))

[T.D. ATF-406, 64 FR 2134, Jan. 13, 1999]

**§ 19.642 Statements required on labels under an exemption from label approval.**

All labels to be used on bottles of spirits for domestic use under an exemption from label approval shall contain the applicable information required in §§ 19.643 through 19.650. Where a statement of age or age and percentage is required, it shall have the meaning given, and be stated in the manner provided in 27 CFR part 5.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1356, as amended (26 U.S.C. 5201))

**§ 19.643 Brand name, kind, alcohol content, and State of distillation.**

(a) *Brand name and kind.* The label of distilled spirits shall state the brand name and kind, as set out in 27 CFR part 5.

(b) *Alcohol content*—(1) *Mandatory statement.* The label of distilled spirits shall state the alcohol content in percent-alcohol-by-volume. Products such as “Rock and Rye” or similar products containing a significant amount of solid material shall state the alcohol content at the time of bottling as follows: “Bottled at \_\_\_\_\_ percent-alcohol-by-volume.”

(2) *Optional statement.* In addition, the label may also state the alcohol content in degrees of proof if this information appears in direct conjunction (i.e.

with no intervening material) with the statement expressed in percent-alcohol-by-volume. If both forms of alcohol content are shown, the optional statement in degrees of proof shall be placed in parentheses, in brackets, or otherwise distinguished from the mandatory statement in percent-alcohol-by-volume to emphasize the fact that both expressions of alcohol content mean the same thing.

(c) *State of distillation*—(1) *Mandatory statement.* If a whisky produced in the United States was not produced in the State shown on the label, the label shall show the State of distillation, except as provided by paragraph (c)(2) or (c)(3) of this section. The appropriate TTB officer may, however, require the State of distillation to be shown on the label or permit such other labeling as may be necessary to preclude any misleading or deceptive impression which might otherwise be created as to the actual State of distillation.

(2) *Exceptions.* The State of distillation is not required to be shown on labels of “blended whisky”, “a blend of straight whiskies”, “spirit whisky”, “light whisky”, or “blended light whisky”. The State of distillation may be prohibited on certain labels of “light whisky” or “blended light whisky”, in accordance with paragraph (c)(3) of this section.

(3) *Prohibited statement.* The State of distillation may not be shown, except as part of the name and address required by 27 CFR 5.36(a), on labels of “light whisky” or “blended light whisky” produced in a State which the appropriate TTB officer finds to be associated by consumers with an American type whisky.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1356, as amended (26 U.S.C. 5201))

#### § 19.644 Net contents.

The net contents of liquor bottles shall be shown on the label, unless the statement of the net contents is permanently marked on the side, front, or back of the bottle.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1356, as amended (26 U.S.C. 5201))

#### § 19.645 Name and address of bottler.

There shall be stated on the label of distilled spirits the phrase “Bottled by”, “packed by”, or “Filled by” immediately followed by the name (or trade name) of the bottler and the place where such spirits are bottled. If the bottler is the actual bona fide operator of more than one distilled spirits plant engaged in bottling operations, there may, in addition, be stated immediately following the name (or trade name) of such bottler the addresses of such other plants. However:

(a) Where distilled spirits are bottled by or for the distiller thereof, there may be stated, in lieu of the phrase “Bottled by”, “Packed by”, or “Filled by”, followed by the bottler’s name (or trade name) and address, the phrase “Distilled by”, followed by the name (or trade name) under which the particular spirits were distilled, or any trade name shown on the distiller’s permit (covering the premises where the particular spirits were distilled), and the address (or addresses) of the distiller;

(b) Where “straight whiskies” of the same type which have been produced in the same State by two or more different distillers are combined (either at time of bottling or at a warehouseman’s bonded premises for further storage) and subsequently bottled and labeled as “straight whisky,” such “straight whisky” shall be labeled in accordance with the requirements of the first paragraph of this section. Where such “straight whisky” is bottled by or for the distillers thereof, there may be stated on the label, in lieu of the requirements of the first paragraph of this section, the phrase “distilled by,” followed by the names (or trade names) of the different distillers who distilled a portion of the “straight whisky,” the addresses of the distilleries where the “straight whisky” was distilled, and the percentage of “straight whisky” distilled by each distiller (with a tolerance of plus or minus 2 percent). In the case where “straight whisky” is made up of a mixture of “straight whiskies” of the same type from two or more different distilleries of the same proprietor located within the same State, and where the “straight whisky” is bottled by or for